

REMARKS

Claims 1-29 remain pending.

In the Office Action, the Examiner alleged that Figs. 1, 2, and 4 constitute "patentably distinct species;" and required election among these figures.

Applicant provisionally elects Fig. 4, with traverse for the reasons outlined below.

Claims 1-29 correspond to Fig. 4, because none of claims 1-29 correspond solely to either Fig. 1 or Fig. 2. Some of claims 1-29 may correspond more closely to figures other than Figs. 1, 2, and 4, but these claims have been grouped with the remainder of claims 1-29 because among Figs. 1, 2, and 4, they correspond most closely to Fig. 4.

Applicant traverses the election requirement, because Figs. 1, 2, and 4 are not species. As explained in M.P.E.P. § 806.04(e), there is usually no disclosure of any relationship¹ among species in an application. In the present application, however, Figs. 1 and 2 are plainly disclosed as subcombinations of Fig. 4. One portion of Fig. 4 contains elements 160, 170 and 180 from Fig. 1, and the presence of elements 110-150 (and/or their functional equivalents) may be inferred from the presence of elements 160 and 170. The other portion of Fig. 4 contains elements 190 and 195 from Fig. 2, and the presence of elements 200-220 (and/or their functional equivalents) may be inferred from the presence of elements 190 and 195.

Because Figs. 1, 2, and 4 are not mutually exclusive and are not species, the election requirement is improper and should be withdrawn, notwithstanding the required election above.

¹ The present application is not analogous to the example in M.P.E.P. § 806.04(b) where claimed bicycle clamps were found to be both species and subcombinations usable together.

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No additional election or restriction should be required, because examination of claims 1-29 does not constitute a "serious burden" (M.P.E.P. § 803) on the Examiner. Claims 1-29 include three different groups of claims: (1) claims 1-7 and 9-17; (2) claims 7, 8, and 18-20; and (3) claims 21-29. Claims within these groups are related, and Applicant seriously doubts that the groups have achieved a different classification or status in the art.

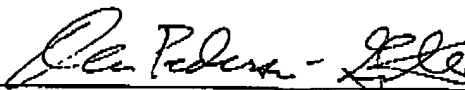
Reconsideration and examination of pending claims 1-29 is respectfully requested.

In the event that any outstanding matters remain in this application, Applicant requests that the Examiner contact Alan Pedersen-Giles, attorney for Applicant, at the number below to discuss such matters.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-0221 and please credit any excess fees to such deposit account.

Respectfully submitted,

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